

## Loudoun County, Virginia

### Department of Planning

1 Harrison Street, S.E., 3<sup>rd</sup> Floor, MSC #62, Leesburg, VA 20177-7000  
703/777-0246 • Fax 703/777-0441

### REQUEST FOR FORMAL PRE-APPLICATION CONFERENCE REQUEST TO WAIVE PRE-APPLICATION CONFERENCE

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Applicant Peterson Companies, LC

Phone (703) 631-7595

Applicant's Address 12500 Fair Lakes Circle, Suite 400, Fairfax, VA 22033

Representative (Contact Person) Andrew A. Painter, Esq.

Phone (571) 209-5775

Representative's Company Walsh, Colucci, Lubeley & Walsh, P.C.

email apainter@thelandlawyers.com

Representative's Address 1 East Market Street, Suite 300, Leesburg, VA 20176

Current Property Owner Gum Spring Road, LLC, Gum Spring Road II, LLC, Gum Spring Road III, LLC and Viresh and Surekha Desai

Owner's Address 11350 Random Hills Road, Suite 700, Fairfax, VA 22030 and 43573 Warden Drive, Sterling, VA 20166

Project MCPI # (Map Cell Parcel Indicator #) 206-18-4807, 207-48-5875, 207-48-6453 and 207-48-1371

Proposed Application: A rezoning, special exception(s) and zoning modification(s) to accommodate a community serving retail center

Project Location The southwest quadrant of the intersection of Braddock Road (Route 620) and Gum Spring Road (Route 659)

Existing Zoning TR-1 and TR-3

Project Acreage 16.07 +/-

Election District Blue Ridge

#### Proposed Application Type:

Zoning Map Amendment (ZMAP)

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Zoning Concept Plan Amendment (ZCPA)

Zoning Ordinance Modification (ZMOD)

Rt. 28 Rezoning to Current Zoning Ordinance (ZRTD)

Special Exception (SPEX)

Minor Special Exception (SPMI)

Sign Development Plan (SIDP/SPMI)

Commission Permit (CMPT)

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### PLEASE SUBMIT 8 COPIES OF APPLICATION AND ALL REQUIRED INFORMATION TO THE DEPARTMENT OF PLANNING

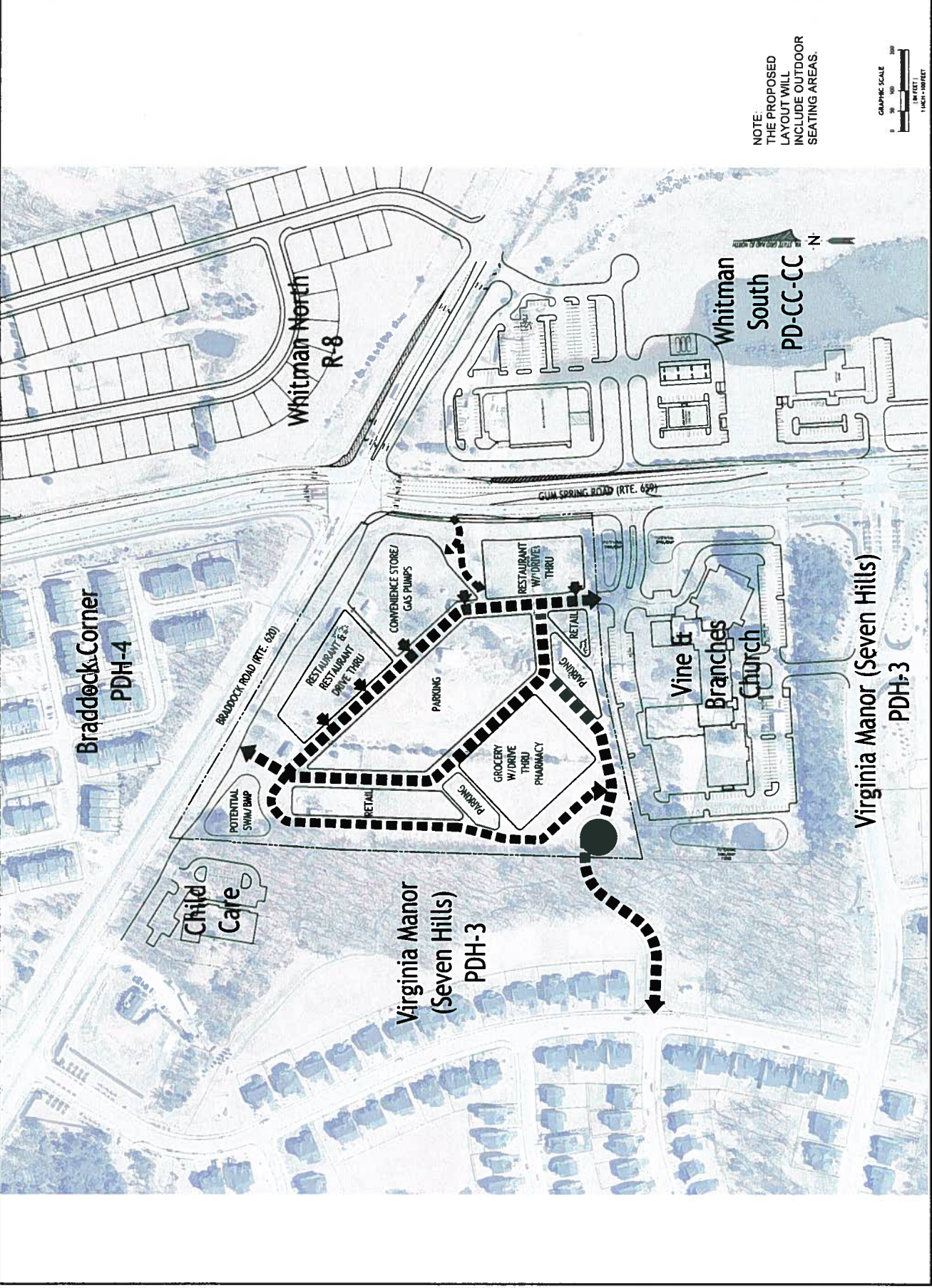
Please attach to this request form:

1. Sketch map(s) of the site
2. Description of proposed project or use
3. Description of existing environmental, topographical, and structural features on the site to the extent they are known
4. Graphics illustrating the scale, location and design of any buildings or structures to the extent they are known
5. List of issues to be discussed at the conference OR if a conference waiver is requested, justification for the waiver.

Pursuant to Article VI of the Revised 1993 Zoning Ordinance, I request a pre-application conference to discuss the application outlined above and the procedures or substantive requirements of the Zoning Ordinance. I understand that no comments made at this meeting shall be binding on either the applicant or the County. I understand the Director of Planning has the discretion, on request, to waive the conference if the waiver does not affect the submission or review of the application.

Applicant's Signature [Signature]

Date 1/6/2016



Andrew A. Painter, Esq.  
(571) 209-5775  
apainter@thelandlawyers.com



**WALSH COLUCCI  
LUBELEY & WALSH PC**

**RECEIVED**

**SEP 6 2016**

LOUDOUN COUNTY  
DEPARTMENT OF PLANNING & ZONING

September 6, 2016

**Via Hand Delivery and Email**

Mr. John Merrithew  
Assistant Director of Planning and Zoning  
Loudoun County Department of Planning and Zoning  
1 Harrison St., S.E., 3rd Floor  
Leesburg, VA 20177

**Re: Pre-Application Conference Proposal  
Peterson Companies, LC  
ZMAP/SPEX/ZMOD applications to permit a Retail Center  
Loudoun PIN ##206-18-4807, 207-48-5875, 207-48-6453, and 207-48-1371;  
16.07 +/- acres (the "Subject Property")  
Blue Ridge Election District**

Dear Mr. Merrithew:

On behalf of the Peterson Companies, LC, the contract purchaser of the Subject Property and the applicant for the proposed applications (the "Applicant"), I am requesting a Pre-Application Conference to discuss the establishment of a community serving retail center on the Subject Property.

The Subject Property is currently zoned TR-1 (Transitional Residential-1) ("TR-1") and TR-3 (Transitional Residential-3) ("TR-3") under the Revised 1993 Loudoun County Zoning Ordinance ("Zoning Ordinance"). A retail center is not permitted in the TR-1 or TR-3 districts. To accommodate the proposed retail center, the Applicant is proposing a rezoning to the PD-CC Planned Development – Commercial Center (Community Center) ("PD-CC-CC") district. Special Exception applications for an automobile service station and two restaurants with drive-throughs will be filed along with a Zoning Modification to reduce the 100-foot building and parking setbacks. The proposed retail center will include approximately 97,000 square feet of retail space.

The Subject Property is bordered to the north by Braddock Road (Route 620) and to the east by Gum Spring Road (Route 659). Along the Subject Property frontage, Braddock Road is ultimately planned to be a four-lane median divided major collector roadway within 90 feet of right-of-way and Gum Spring Road is ultimately planned to be a four-lane median divided major

ATTORNEYS AT LAW

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collector roadway within 120 feet of right-of-way. The Subject Property conforms to the location criteria for a PD-CC-CC district, i.e. centrally located on collector roads.

The Subject Property is located in the Transition Policy Area, but is surrounded on three sides by suburban zoning districts. On the portions of the Subject Property not abutting a suburban zoning district, legislative applications have been approved for a church and two child care centers. The Transition Policy Area Design Guidelines contemplate non-residential development along major arterial and collector roads.

Even though the Subject Property is located in the Transition Policy Area, its location can be identified as an infill rezoning. To the east, a retail center with a convenience center and fuel station, child care center and retail space was recently approved. To the south, a church and child care center has been approved. To the west, a child care center is under construction just north of existing residential uses and open space. Existing single-family attached residential units are located to the north of the Subject Property. The Infill policies of the Revised General Plan ("Plan") support the consolidation of properties and the development of uses that are compatible in design, intensity and use with adjacent properties. The proposed retail center, which will accommodate community serving retail uses, meets the objective of the Infill policies of the Plan.

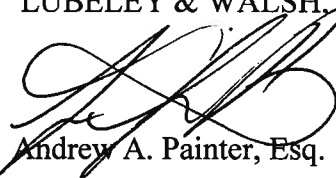
The Applicant respectfully requests that the following questions be reviewed by staff in preparation for the Pre-Application Conference:

1. The Whitman rezoning to the east of the Subject Property is obligated to construct improvements to the intersection of Braddock Road and Gum Spring Road. Considering that these improvements were associated with a larger residential and commercial rezoning application, what type of transportation improvements should be anticipated for the proposed application?
2. Considering the changing dynamic of development immediately surrounding the Subject Property, which reflects a built-out suburban development pattern, would County staff agree that the proposed application is an infill property and would be subject to the Infill policies of the Plan?
3. Considering that the inter-parcel connection between the Subject Property and the Virginia Manor development to the west would connect to a residential street, which may not be favorable to Virginia Manor residents, and that there is a steep grade in the location of this potential connection which would require significant grading of existing forested open space, would staff be amenable to the possibility of eliminating this vehicular connection or replacing it with a pedestrian-only connection?

For your review, I have enclosed eight copies of the Pre-Application Conference form and sketch plan. We look forward to meeting with County staff to discuss this proposal. Please feel free to contact me if you have any questions or comments.

Sincerely,

WALSH, COLUCCI,  
LUBELEY & WALSH, P.C.



Andrew A. Painter, Esq.

Enclosures, as stated

cc: Taylor Chess, Peterson Companies, LC  
Stephen Green, Peterson Companies, LC  
Jeff Gilliland, P.E., J2 Engineers, Inc.  
Tushar Awar, P.E., Gorove Slade Associates, Inc.